

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KIRBY SPENCER,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT, INC,

Defendants.

2:12-cv-00168-JCM -VCF

O R D E R

Before the court are plaintiff Kirby Spencer's Motion/Application to Proceed *In Forma Pauperis* (#1) and Complaint (#1-1).

Plaintiff contends in his application that he is unable to afford the cost of litigation because he is self-employed, and only received \$12,000 during the past twelve months. (#1). Plaintiff currently has \$500 in his bank account, and asserts that his monthly bills include: \$150 for phone, \$100 for health insurance, \$200 for transportation, \$200 for food, and \$300 for housing. *Id.* Thus, the court finds that the plaintiff is unable to prepay the filing fee.

Accordingly, and for good cause shown,

IT IS ORDERED that plaintiff's Application to Proceed *In Forma Pauperis* (#1) is GRANTED.

IT IS FURTHER ORDERED that the plaintiff is permitted to maintain the action to conclusion without the necessity of prepayment of any additional fees, costs, or security. This Order granting *in forma pauperis* status shall not extend to the issuance of subpoenas at government expense.

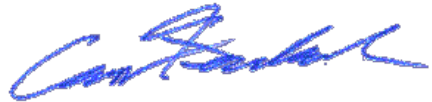
IT IS FURTHER ORDERED that the Clerk of the Court shall file the Complaint (#1-1), issue summons to the defendants named in the complaint, deliver the same to the U.S. Marshal for service, and send blank copies of the USM-285 forms to the plaintiff.

IT IS FURTHER ORDERED that the plaintiff shall have twenty (20) days to furnish to the U.S.

1 Marshal the required USM-285 forms. Within twenty (20) days after plaintiff receives copies of the
2 completed USM-285 forms from the U.S. Marshal, plaintiff must file a notice with the court identifying
3 which defendants were served and which were not served, if any. If the plaintiff wishes to have the U.S.
4 Marshal attempt service again on any unserved defendants, then a motion must be filed with the court
5 identifying the unserved defendants, specifying a more detailed name and address, and indicating
6 whether some other manner of service should be used. Pursuant to the Federal Rules of Civil Procedure
7 Rule 4(m), service must be accomplished within one hundred twenty (120) days from the date that the
8 complaint was filed.

9 IT IS FURTHER ORDERED that from this point forward, plaintiff shall serve upon defendants,
10 or their attorney if they have retained one, a copy of every pleading, motion, or other document
11 submitted for consideration by the court. Plaintiff shall include with the original paper submitted for
12 filing a certificate stating the date that a true and correct copy of the document was mailed to the
13 defendants or their counsel. The court may disregard any paper received by a district judge, magistrate
14 judge, or the Clerk which fails to include a certificate of service.

15 DATED this 17th day of February, 2012.

16
17 

18 **CAM FERENBACH**
19 **UNITED STATES MAGISTRATE JUDGE**
20
21
22
23
24
25
26